

Remarks/Arguments

Status of Claims

Claims 1-71 and 79-83 are pending.

Claims 23-29 and 57-59 stand withdrawn.

Claims 1-22, 30-56, 60-71 and 79-83 stand rejected.

Claims 11, 30 and 36 have been amended without prejudice or disclaimer.

Election/Restrictions

Restriction to the Invention of Group I, claims 1-22, 30-56, 60-71, 79 and 80-83, or the Invention of Group II, claims 23-29 and 57-59, has been required.

Applicant hereby affirms the election made on December 15, 2006, by telephone, without traverse, to prosecute the invention of Group I, claims 1-22, 30-56, 60-71, 79 and 80-83.

Rejection of Claims 30-41 and 60-65 Under 35 U.S.C. 101

Claims 30-41 and 60-65, all of which depend ultimately from claim 30, have been rejected as directed to non-statutory subject matter.

In response, claim 30 has been amended to add the limitation "to create a file of element identifiers and transition information for creation of media programming." Disclosure support is found in the patent, for example, at col. 9, lines 23-32. The file is of element identifiers and transition information for creation of media programming is a useful, concrete and tangible result, a file that may be provided, for example, to an assembly programming for assembly of media programming.

For at least the foregoing reasons, the rejection of claims 30-41 and 60-65 under Section 101 is respectfully traversed.

Rejection of Claims 11-22, 36-41, 50-56 and 63-65 under 35 U.S.C. 101

Claims 11-22, 36-41, 50-56 and 63-65 stand rejected under 35 U.S.C. 101 as being addressed to "a system" that can be interpreted as referring to lines of programming within a computer system, rather than referring to the system as a physical object.

In response, independent claims 11 and 36 have been amended to recite that the means include a processor, as is evident from the specification and Fig. 1.

For at least this reason, the rejection of claims 11-22, 36-41, 50-56 and 63-65 under 35 U.S.C. 101 is respectfully traversed.

Rejection of Claims 1-22, 30-35, 36-41, 47, 50-51, 66, 67, 79 and 80-83 under 35 U.S.C. 103(a)

Claims 1-22, 30-35, 36-41, 47, 50-51, 66, 67, 79 and 80-83 stand rejected under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 5,864,868 (Contois) in view of Chung-Sheng Li, et al., "Multimedia Content Description in the Infopyramid," published 12-15 May 1998, in Proceedings of the 1998 IEEE International Conference on Acoustics, Speech and Signal Processing, 1998 ("Li").

The rejection is respectfully traversed for at least the reason that Li is not prior art. The present application is a reissue of U.S. Patent No. 6,032,156, based on U.S. Patent Application Serial No. 09/053,597, filed April 1, 1998, and claiming benefit of U.S. Provisional Patent Application Serial No. 60/042,564, filed April 1, 1997. Li was not published until 12-15 May 1998. Thus, Li was not published until after the filing date of the application which matured into U.S. Patent No. 6,032,156, and after the filing date of the provisional application from which benefit is claimed.

As the characterizations of the prior art and the assertions as to obviousness made in the rejection are moot, those allegations will not be responded to here, but are not admitted by Applicant.

Rejection of Claims 42-46, 48, 49, 52-56, 60-65 and 68-71 under 35 U.S.C. 103(a)

Claims 42-46, 48, 49, 52-56, 60-65 and 68-71 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Contois in view of Li and further in view of U.S. Patent No. 5,966,121 issued to John Hubbell et al ("Hubbell").

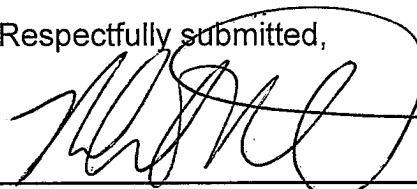
The rejection is respectfully traversed for at least the reason that Li is not prior art. The present application is a reissue of U.S. Patent No. 6,032,156, based on U.S. Patent Application Serial No. 09/053,597, filed April 1, 1998, and claiming benefit of U.S. Provisional Patent Application Serial No. 60/042,564, filed April 1, 1997. Li was not published until 12-15 May 1998. Thus, Li was not published until after the filing date of the application which matured into U.S. Patent No. 6,032,156, and after the filing date of the provisional application from which benefit is claimed.

As the characterizations of the prior art and the assertions as to obviousness made in the rejection are moot, those allegations will not be responded to here, but are not admitted by Applicant.

CONCLUSION

Having fully addressed the Examiner's objections and rejections it is believed that, in view of the preceding amendments and these remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Rosenthal', is written over a horizontal line.

Robert E. Rosenthal, Reg. No. 33,450
Howard IP Law Group, PC
P.O. Box 226
Fort Washington, PA 19034
Tel: (215) 542-5824
Fax: (215) 542-5825
Attorneys for Applicant

Date: October 27, 2008